

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: J. Don Chen et al.

Serial No.: 09/041,994

Filed: March 13, 1998

For: A Transcriptional Coactivator of Steroid/Nuclear  
Receptors and Uses Therefor

Attorney Docket No.: UMG-026 (formerly UMM-026)

Group Art Unit: 1646

Examiner: M. Pak

Assistant Commissioner for Patents  
Washington, D.C. 20231

## Certificates of First Class Mailing (37 C.F.R. 1.8(h))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

April 14, 2000 November 3, 2000

Date of Signature and of Mail Deposit

By:

  
 Peter G. Lauro Debra J. Milasincic  
 Reg. No. 32,369 Reg. No. 46,931  
 Attorney for Applicant
DECLARATION UNDER 37 C.F.R. 1.131 BYDR. J. DON CHEN AND DR. HUI LI

Dear Sir:

We, Dr. J. Don Chen, a citizen of Taiwan, and Dr. Hui Li, a citizen of The People's Republic of China, both residing in the United States, hereby declare as follows:

1. We are co-inventors of the subject matter described and claimed in the above-identified application.

Apr-14-00 04:30pm From-LAHIVE &amp; JACKFIELD, LLP

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2. Prior to August 5, 1997, the invention described and claimed in the above-referenced application was completed in this country, as evidenced by the following:

A. Prior to August 5, 1997, we, as co-inventors, isolated a full-length human RAC3 cDNA, determined the nucleic acid sequence of the full-length RAC3 cDNA and derived the human RAC3 amino acid sequence from the RAC3 nucleic acid sequence. The biological activity of RAC3 as a steroid/nuclear receptor-associated coactivator was also determined. We described the full-length RAC3 amino acid sequence and it's biological activity in a manuscript entitled "RAC3, a steroid/nuclear receptor-associated coactivator that is related to SRC-1 and TIF2", which was published in *The Proceedings of the National Academy of Sciences, USA* on August 5, 1997. Each of these events is evidenced by a copy of the above-described manuscript (Li et al. (1997) *Proc. Natl. Acad. Sci. USA* 94:8479-8484) which is attached hereto as Appendix A, pages A-1 to A-6. We also deposited the full-length RAC3 nucleic acid and amino acid sequences with the GenBank™ sequence database at the National Center for Biotechnology Information (NCBI) prior to August 5, 1997, as evidenced by the attached printouts of Genbank™ Accession No. AF010227 (the RAC3 nucleic acid sequence) and AAC51663 (the RAC3 amino acid sequence). Copies of these GenBank™ records are attached hereto as pages A-7 through A-9 and pages A-10 through A-11 of Appendix A.

Thus, the manuscript and GenBank™ Accession Records submitted as pages A-1 through A-11 of Appendix A demonstrate that we had successfully isolated, sequenced, characterized and described human RAC3 nucleic acid and protein molecules, prior to August 5, 1997.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4/10/00  
Date

J. Don Chen  
J. Don Chen

4/10/00  
Date

Hui Li  
Hui Li